



July 25, 2024

Hon. Peggy Kuo
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201
VIA ECF ONLY


Re: *Shkolir, et. al v. RX2GO, Inc., et. al.*; 1:23-cv-7256-OEM-PK (EDNY)
RESULT OF MEDIATION

Your Honor:

I represent the Plaintiffs in the above-referenced action. Pursuant to the Court's Order dated May 30, 2024, we hereby submit the following Status Report, jointly with counsel for Defendants.

The parties were scheduled to attend mediation on July 15, 2024. However, that morning the mediator let us know that he was ill and had to cancel. We then rescheduled it to take place on July 23, 2024. The parties and their counsel attended and engaged in a mediation session with EDNY Mediator Robert Kheel for over three hours. Good faith offers were exchanged and many issues discussed, but the parties did not come to a resolution as they reached impasse.

As per Your Honor's previous directives, counsel will be conferring and will submit a joint letter proposing next steps. Currently the Defendants have indicated that they intend to file a motion for judgment on the pleadings to dismiss Plaintiffs' Amended Complaint. Plaintiffs intend to amend their complaint again, and believe that doing so should precede any motion to dismiss. Defendants object to any further amendment of the complaint. We intend to confer on a briefing schedule and propose filing a status report as to these issues by August 14, 2024.

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Defendants are also amenable to conducting a settlement conference before this Court, whether the same would precede motion practice or run parallel to same.

Sincerely,



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